

Notice of Allowability

Application No.

09/825,537

Examiner

Nga B. Nguyen

Applicant(s)

GARAH ET AL.

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed on July 2, 2007.
2. ☒ The allowed claim(s) is/are 1,2,4-19 and 21-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>3/7/06.</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on October 1, 2007, which paper has been placed of record in the file.
2. Claims **1, 2, 4-19** and **21-34** are pending in this application.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in the interview with Mr. James Leiz on December 17, 2007.

Amending claims 18, 24, and 25 as the following:

18. A system for wagering on a future race using an interactive wagering system, comprising:

at least one totalisator configured to run a first parimutuel wagering pool for the future race[[:]] and a second parimutuel wagering pool for the future race, wherein (a) the second parimutuel wagering pool is separate from the first parimutuel wagering pool whereby odds of the first parimutuel are calculated using only wagers placed in the first parimutuel wagering pool and odds of the second parimutuel wagering pool are calculated using only wagers placed in the second parimutuel wagering pool, (b) the

first and second parimutuel wagering pools accept wagers of the same selected type, and (c) the second parimutuel wagering pool closes after the first parimutuel wagering pool closes; and

user equipment configured to:

provide the user with the ability to place a wager in the first parimutuel wagering pool for the future race; and

provide the user with the ability to select a wager type for the wager from a plurality of different wager types.

24. The system defined in claim 18 ~~further comprising a~~ wherein the at least one totalisator is configured to (a) calculate the odds and payouts for the first parimutuel wagering pool while the first parimutuel wagering pool is open and (b) calculate the odds and payouts for the second parimutuel wagering pool while the second parimutuel wagering pool is open.

25. The system defined in claim 24 wherein the at least one totalisator is further configured to (a) fix the odds and payouts for the first parimutuel wagering pool when the first parimutuel wagering pool closes and (b) fix the odds and payouts for the second parimutuel wagering pool when the second parimutuel wagering pool closes.

Allowable Subject Matter/Reasons for Allowance

4. Claims 1 and 18 are allowed over the prior arts cited records.

The closest prior arts are:

1) Mindes (US 5,842,921) discloses a system for balancing betting pools. This is accomplished by controlling the terms such as betting odds and/or handicaps for the contestants such that bettors are encouraged to place bets that will bring the betting pools into balance. See, e.g., column 4, lines 7-17.

2) Van Horn (US 6,631,356) discloses an "on-line buying co-op" that is formed for the specific purpose of purchasing a particular product by defining a start time, end time, critical mass, any minimum number of units offered, any maximum number of units offered, starting price and product cost curve" (Abstract). Van Horn has absolutely nothing to do with wagering on future races.

Neither Mindes nor Van Horn shows or suggests selecting a wager type for the wager from a plurality of wager types and providing two separate parimutuel wagering pools where odds of the first parimutuel wagering pool are calculated using only wagers placed in the first parimutuel wagering pool and odds of the second parimutuel wagering pool are calculated using only wagers placed in the second parimutuel wagering pool, and where the first and second parimutuel wagering pools accept wagers of the same selected wager type and the second parimutuel wagering pool closes after the first parimutuel wagering pool closes, as specified in independent claims 1 and 18.

Therefore, it is clear from the description of Mindes's and Van Horn's inventions that the prior arts do not considered the possibility of: a second parimutuel wagering

pool for the future race, wherein (a) the second parimutuel wagering pool is separate from the first parimutuel wagering pool whereby odds of the first parimutuel are calculated using only wagers placed in the first parimutuel wagering pool and odds of the second parimutuel wagering pool are calculated using only wagers placed in the second parimutuel wagering pool, (b) the first and second parimutuel wagering pools accept wagers of the same selected type, and (c) the second parimutuel wagering pool closes after the first parimutuel wagering pool closes, as included in claims 1 and 18.

5. Claims (2, 4-17) and (19, 21-34), are allowed because they are dependent claims of the allowable independent claims 1 and 18 above, in that order.

Conclusion

6. Claims **1, 2, 4-19** and **21-34** are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Friday from 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

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8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria VA, 22131-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN
PRIMARY EXAMINER

December 17, 2007